

### **REMARKS**

Claims 1-42 remain pending in the present application. Applicant amends Claims 1, 6, 14-16, 24, 29, and 37-40 to clarify claimed subject matter and/or correct informalities. The original specification and drawings support these claim amendments at least at pages 10, 11, 12, 20, and in Figures 1, 4, 6, and 8. Therefore, these revisions introduce no new matter.

Claims 1-42 are for consideration upon entry of the present Amendment. Applicant requests favorable consideration of this response and allowance of the subject application based on the following remarks.

#### **Previous Claims Rejections Under 35 USC § 101**

Applicant appreciates Examiner's withdrawal of the 35 U.S.C. §101 rejection in the previous Office Action.

#### **Claim Objections**

Claims 1, 6, 24, and 38 are objected to because of informalities. Applicant respectfully amends the claims as mentioned and Claims 29 and 37 along the same lines. Applicant submits these claims now comply and as a result the objections are now moot. Applicant respectfully requests that the objections be withdrawn.

#### **Claim Rejections 35 U.S.C. §112, First Paragraph**

Claims 1-13 and 16-28 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Applicant amends independent Claims 1, 6, 16, and 24 to clarify the subject matter and support may be found at least at pages 11-12, and Figure 5. Dependent Claims 2-5, 7-13, 17-23, and 25-28 depend directly or indirectly from one of independent Claims 1, 6, 16, 24, respectively, and thus are allowable as depending from an allowable base claim. Thus, no new matter has been introduced. Applicant respectfully submits that these claims now comply with 35 U.S.C. §112, first paragraph and as a result the rejections are now moot. Applicant respectfully requests that the §112 rejections be withdrawn.

**Claim Rejections under 35 U.S.C. §101**

Claims 15 and 39-42 stand rejected under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter. In the interest of expediting prosecution of the application, and without conceding the propriety of the rejection, Applicant amends Claims 15 and 39-42 to further clarify features of Applicant's subject matter. For example, Claim 15 as amended recites in part, "A computer readable storage medium having stored computer-executable instructions thereon ~~on a data structure~~ on a computing device, comprising". The other two independent Claims 39 and 40 have been amended along the same features. Dependent Claims 41 and 42 depend directly or indirectly from one of independent Claim 40, and thus are allowable as depending from an allowable base claim. Therefore, these claims now comply with 35 U.S.C. §101 and as a result, the rejection is now moot. Applicant respectfully request the §101 rejection of these claims be withdrawn.

**Claim Rejections under 35 U.S.C. §102**

A. **Claims 24-28** are rejected under 35 U.S.C. §102(b) as being anticipated by non patent literature, GNU Autoconf, Automake and Libtool, 1<sup>st</sup> edition, published Oct. 2000 by Vaughan et al. (hereinafter “Vaughan”).

B. **Claims 29 and 31-36** are rejected under 35 U.S.C. §102(b) as being anticipated by non patent literature, “Software Portability with imake”, 1<sup>st</sup> edition, published on July 1993 by Paul DuBois (hereinafter “DuBois”).

C. **Claims 14, 16-23, and 37-39** are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,152,109 to Suorsa et al. (hereinafter “Suorsa”).

**Claim Rejections under 35 U.S.C. §103**

A. **Claims 7, 30, and 42** are rejected under 35 U.S.C. §103(a) as being unpatentable by non patent literature, GNU Autoconf, Automake and Libtool, 1<sup>st</sup> edition, published Oct. 2000 by Vaughan et al. (hereinafter “Vaughan”) in view of Jacquemot.

B. **Claims 1-5** are rejected under 35 U.S.C. §103(a) as being unpatentable by non patent literature, GNU Autoconf, Automake and Libtool, 1<sup>st</sup> edition, published Oct. 2000 by Vaughan et al. (hereinafter “Vaughan”).

C. **Claims 6, 8-13, 15, and 40-42** are rejected under 35 U.S.C. §103(a) as being unpatentable being unpatentable by non patent literature, “Software Portability with imake”, 1<sup>st</sup> edition, published on July 1993 by Paul DuBois (hereinafter “DuBois”).

Applicant respectfully traverses the rejections.

**Claims 6-13, 15, 29-36, and 40-42**

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant has amended **independent Claim 6**, to clarify further features of the subject matter. Claim 6 now recites:

An apparatus for generating configuration instructions used to build a programmable machine, comprising:

a build management logic configured to automate building by **interacting with a library, wherein building blocks in the library form a hierarchical organization of objects that are representative of machines to be configured at a site;**

**the library having building blocks to provide configuration instructions for a specific collection of machines, grouping the building blocks into different categories, objects pertaining to different available vendors, the objects pertaining to different operating systems, the objects pertaining to different machine functions, and the objects related to stages and phases involved in configuring machines;**

the library having generic objects representing aspects of a configuration process;

a template providing a framework representing the programmable machine in combination with information in the library to reconstruct a description of the programmable machine;

the build management logic configured to generate the configuration instructions used to build the programmable machine by organizing the generic objects in the library based on a framework established by the template;

**the build management logic configured to cull a subset of information from a database and organize information into a package to transfer from the site to another site; and**

the build management logic is further configured to provide a user interface displaying predetermined templates to accept input in response to the predetermined templates.

Applicant respectfully submits that no such apparatus is disclosed, taught or suggested by DuBois.

**DuBois Fail to Disclose, Teach or Suggest Features of Building Blocks**

DuBois is directed towards software portability with *imake* (Title). DuBois describes how *imake* automatically uses knowledge to rebuild Makefiles without intervention, when software is moved to different machines (page 8, lines 16-18). Furthermore, the parameter values in the configuration files are entered initially by someone (page 23, lines 20-21). These features are not the same as a build management logic interacting with building blocks from a library as described in Applicant's amended Claim 6.

Therefore, Dubois fails to disclose, teach, or suggest “*building blocks in the library form a hierarchical organization of objects that are representative of machines to be configured at a site; the library having building blocks to provide configuration instructions for a specific collection of machines, grouping the building blocks into different categories, objects pertaining to different available vendors, the objects pertaining to different operating systems, the objects pertaining to different machine functions, and the objects related to stages and phases involved in configuring machines; the build management logic configured to cull a subset of information from a database and organize information into a package to transfer from the site to another site*”, as recited in Applicant's amended Claim 6.

**Independent Claims 15, 29, and 40** are directed to a computer readable storage media, a method, and a computer-readable storage media, respectively. Each of these claims is allowable for reasons similar to those discussed above with respect to Claim 6.

**Dependent Claims 7-13, 30-36, and 41-42** depend directly or indirectly from one of independent Claims 6, 29, and 40, respectively, and are allowable by virtue of this dependency. These claims are also allowable for their own recited features that, in combination with those recited in Claims 6, 15, 29, and 40, are not disclosed, taught or

suggested by DuBois. As each and every element is not disclosed, taught or suggested by DuBois, Applicant respectfully requests that the §102 and §103 rejections be withdrawn.

**Claims 1-5 and 24-28**

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant has amended **independent Claim 1**, to clarify further features of the subject matter. Claim 1 now recites:

An apparatus for generating configuration instructions to build a programmable machine, comprising:

a build management logic configured to automate building by interacting with a library that is in a standardized and a generic form;

the library comprising:

a plurality of objects representing aspects of a configuration process for a specific collection of programmable machines; and

a plurality of parameters associated with respective objects, wherein at least one of the parameters includes an unspecified value for the generic form; and

the build management logic configured to specify a set of objects from the library to implement the configuration of the programmable machine, and to generate the configuration instructions from the set of objects;

the build management logic interacts with a database, wherein the database includes packages which are collections of objects in the database assembled to be transferred from a site to another site;

the build management logic interacts with a template storage providing templates, wherein the templates provide a skeleton representation of a machine or a group of machines and the templates may be exported and transferred to other sites to generate configuration instructions at the other sites;

wherein the build management logic is further configured to determine an unspecified value when generating configuration instructions for the specific combination of programmable machines; and

the build management logic is further configured to provide a user interface to manage data assignment for the specific collection of programmable machines, wherein the user interface accepts input and returns output.

Applicant respectfully submits that no such apparatus is disclosed, taught or suggested by Vaughan.

**Vaughan Fails to Disclose , Teach or Suggest Packages, Templates and Transferring**

Vaughan is directed towards managing a minimal project using GNU Autotools (page 21). Vaughan specifically states “this package does not produce any libraries of its own, so Libtool does not feature them in this chapter” (page 21). Furthermore, Vaughan builds intermediate files for programs (page 22, lines 16-22). These are not the same features as a build management logic, a database including packages, and templates as described in Applicant’s amended Claim 1.

Vaughan fails to disclose, teach, or suggest “the build management logic interacts with a database, wherein the database includes packages which are collections of objects in the database assembled to be transferred from a site to another site; the build management logic interacts with a template storage providing templates, wherein the templates provide a skeleton representation of a machine or a group of machines and the templates may be exported and transferred to other sites to generate configuration instructions at the other sites;”, as recited in Applicant’s amended Claim 1.

**Independent Claim 24** is directed to a method, and is allowable for reasons similar to those discussed above with respect to Claim 1.

**Dependent Claims 2-5 and 25-28** depend directly or indirectly from one of independent Claims 1 and 24, respectively, and are allowable by virtue of this dependency. These claims are also allowable for their own recited features that, in combination with those

recited in Claims 1 and 24, are not disclosed, taught or suggested by Vaughan. Applicant respectfully requests that the §102 and §103 rejections be withdrawn.

**Claims 14, 16-23, and 37-39**

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant has amended **independent Claim 14**, to clarify further features of the subject matter. Claim 14 now recites:

A system for generating configuration instructions to build a programmable machine, comprising:

- a head-end site, including:
  - head-end logic configured to interact with a remote client site;
  - a central database coupled to the head-end logic, the central database containing at least one package that specifies configuration instructions, at least one package including:
    - a plurality of objects representing aspects of a configuration process;
    - a plurality of parameters associated with respective objects; and
    - at least one template for organizing the plurality of objects in accordance with a predetermined framework;
- a configuration site, including:
  - a local database for storing configuration instructions used to configure at least one machine associated with the configuration site; logic configured to receive and store the at least one package in the local database; and
  - logic configured to generate configuration instructions used to configure at least one programmable machine based on the at least one package;

**the head-end site provides web pages to assist in retrieving a resource;**

- wherein a group of interrelated machines may be built by downloading one or more packages **from one site to another site;**
- wherein the configuration of the machines may be changed by loading another package **to generate new configuration instructions for dissemination to the machines..**

Applicant respectfully submits that no such apparatus is disclosed by Suorsa.



**Suorsa Fails to Disclose Building a Programmable Machine, web pages, one site to another site**

Suorsa is directed towards provisioning of servers and other computing devices that provide support for sites hosted on the Internet, intranets, and other communication networks (col. 1, lines 14-17). Figure 7 of Suorsa shows the functions are to maintain information about all of the devices and to store and provide the software that is loaded on these devices (col. 9, lines 46, 49-51). These features are not the same as generating configuration instructions to build a programmable machine, head-end site for web pages resources, and from one site to another site as described in Applicant's amended Claim 14.

Thus, Suorsa fails to disclose "logic configured to generate configuration instructions used to configure at least one programmable machine based on the at least one package; wherein a group of interrelated machines may be built by downloading one or more packages; wherein the configuration of the machines may be changed by loading another package; the head-end site provides web pages to assist in retrieving a resource; downloading one or more packages from one site to another site; the configuration of the machines may be changed by loading another package to generate new configuration instructions for dissemination to the machines.", as recited in Applicant's amended Claim 14.

**Independent Claims 16 and 37** are directed to an apparatus and a method, and each is allowable for reasons similar to those discussed above with respect to Claim 14.

**Dependent Claims 17-23 and 38-39** depend directly or indirectly from one of independent Claims 16 and 37, respectively, and are allowable by virtue of this dependency. These claims are also allowable for their own recited features that, in combination with those

recited in Claims 16 and 37, are not disclosed by Suorsa. As each and every element is not disclosed by Suorsa, Applicant respectfully requests that the §102 rejection be withdrawn.

**References Do Not Disclose, Teach or Suggest Features**

Applicant respectfully submits that the cited references do not disclose each and every element of the claimed subject matter. For all of these reasons, the §102 rejections of these claims should be withdrawn.

Applicant respectfully submits that the cited references do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes over the cited references. For all of these reasons, the §103(a) rejections of these claims should be withdrawn.

**Conclusion**

Claims 1-42 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

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